

Summary  
Water Pollution Control Board  
Indiana Government Center North  
Conference Room B  
Indianapolis, Indiana  
Wednesday, November 10, 2010

**1. CALL TO ORDER**

Chairman Gary Powdrill called the meeting to order at 1:30 p.m. A quorum was present.

Chairman Powdrill introduced and welcomed new member Dennis Wene who represents manufacturing and industry to the water board.

Members present: Gary Powdrill (Chairman); Ken Hedge; Mark Legan; Dennis Wene; Ted Alexander; Jamie Medlock (substitute for Brandon Seitz, proxy for Lt. Gov.); Pam Fisher (proxy for Mitch Roob, IEDC); Kari Evans (proxy for Robert E. Carter, IDNR); and, Deborah Albright (Board Counsel).

Present for IDEM: Bruno Pigott, Assistant Commissioner, Office of Water Quality (OWQ); and Nancy King, Chief, Rules Development Branch, Office of Legal Council (OLC).

**2. INTRODUCTION OF BOARD MEMBERS**

Chairman Powdrill asked the board members to introduce themselves and their affiliations.

Thereafter, Chairman Powdrill announced that there would be an addition to the agenda with a presentation on the Governor's major land conservation initiative.

**3. APPROVAL OF SUMMARY**

Chairman Powdrill called for approval of the August 11, 2010 board meeting summary. A motion was made and seconded to approve the meeting summary. The board voted unanimously to approve the August 11, 2010 summary without changes.

**4. REPORTS**

Mr. Bruno Pigott discussed the following topics:

- NPDES Permitting Backlog – a progress report on the number of permits that indicated a decrease in the overall total of backlogged permits.
- Water Shortage Task Force – how IDEM is cooperating with the Dept. of Natural Resources and the Dept. of Homeland Security to address any water consumption issues and how IDEM is urging at least 32 dry counties to have contingency plans in place when it may be necessary to ask that voluntary measures be implemented to help reduce water consumption.
- Materna Mint Farm – an incident that occurred in August concerning a ditch that had extremely hot water that was discharged from a mint facility; consequently, an environmental inspection was done and found that Materna Mint Farm was discharging hot waters in excessively high temperatures that exceeded the water quality standards and was operating without an NPDES permit.

IDEM also discovered that there were other mint farmers who needed to be educated on water quality standards' requirement regarding an NPDES permit for discharging.

**5. RULE ACTIONS**

Emergency Rules for Concentrated Animal Feeding Operations (CAFO)

Chairman Powdrill opened the board meeting for consideration of adoption of the CAFO

emergency rules under IC 4-22-2-37.1. He announced that if adopted by the board, the emergency rule would become effective on November 19, 2010.

Ms. Nancy King spoke for the agency. Ms. King stated that this emergency rule was a readoption of the last emergency rule and if adopted, it would be effective for 90 days. She added that this rulemaking could be extended for another 90 days.

Ms. King recalled that the regular CAFO rulemaking had received 35 pages of comments. She stated that currently staff is working to revise the rule based on those comments received. She added how a new procedural step that affects the fiscal impact analysis process would lengthen the time frame for most rulemakings including CAFO; as a result, additional CAFO emergency rules are a probability. She, therefore, thought that it would be approximately March 2011 before the regular CAFO rule would be presented to the board.

There was no board discussion.

Chairman Powdrill entertained a motion to adopt the proposed emergency rule. Mr. Ted Alexander made a motion to adopt the proposed emergency rule. Mr. Mark Legan seconded it. With a roll call vote, the board voted unanimously to adopt the proposed emergency rule as presented.

#### LSA Doc. #10-403 State Revolving Funds (SRF) Eligible Permit

Chairman Powdrill announced a public hearing on preliminary adoption of amendments to rules 327 IAC 8-3.5-3 to consider eligibility for general construction permits for water mains.

Mr. Pigott spoke for the agency. He explained how this amendment would remove an explicit requirement that prohibits any water main projects funded by SRF not to be eligible for a general permit. He further explained that this amendment would allow water main projects that meet a certain criteria and are funded by SRF to be eligible to apply for a general permit.

There was no board discussion and no public commenters.

Chairman Powdrill entertained a motion to preliminarily adopt the draft rule. Ms. Kari Evans-Bennett made a motion to preliminarily adopt and Mr. Ken Hedge seconded it. With a voice vote, the board voted unanimously for the preliminary adoption of amendments to LSA Doc. #10-403.

## **7. OPEN FORUM**

There was no public commenter.

## **8. ADJOURNMENT**

The next meeting is tentatively scheduled for 1:30 p.m. EST on Wednesday, December 8, 2010, in Indiana Government Center South, Conference Room B.

Chairperson Powdrill adjourned the WPCB meeting at 2:06 p.m.

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### **CHAIRPERSON**

The summary is derived from Rules Development Branch staff members' notes; however, a court reporter recorded this meeting. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management. To view approved summaries or minutes, you may go online to <http://www.in.gov/idem/4707.htm>